

### REMARKS

Claims in the case are 16-21 and 30, upon entry of this amendment. Claims 20 and 21 have been amended, Claim 30 has been added, and Claims 15 and 22-29 have been cancelled without prejudice herein. Claims 1-14 were previously cancelled without prejudice in a Preliminary Amendment dated 16 December 2003.

Basis for added Claim 30 is found in Claim 16, and at page 4, lines 16-18 of the specification.

In the Office Action of 15 April 2005, the Examiner has required an election from amongst three groups of claims: Group I (i.e., Claim 15); Group II (i.e., Claims 16-25); and Group III (i.e., Claims 26-29). Applicants herein affirm the previous provisional election of Group II (i.e., Claims 16-25), that was made by Mr. Joseph Gil in a telephone conversation with the Examiner on 13 April 2005. The election of Group II is herein made without traverse.

All non-elected claims have been cancelled, and Applicants will take appropriate action relative thereto in due course.

Claims 20-25 stand rejected under 35 U.S.C. § 112, second paragraph. This rejection is respectfully traversed with regard to the amendments herein and the following remarks.

Claims 22-25 have been cancelled without prejudice herein. Claim 20 has been amended to recite the term "density" in singular rather than plural form. Claim 21 has been amended herein to clearly state that the calcinating step is performed on cobalt(II) hydroxide, thus resulting in the formation of pure-phase cobalt(II) oxide. Basis for the amendment to Claim 21 is found at page 6, lines 19-26 of the specification.

In light of the amendments herein and the preceding remarks, Applicants' claims are deemed to particularly point out and distinctly claim the subject matter which they regard as their invention. Reconsideration and withdrawal of the present rejection is respectfully requested.

Claims 16-20 stand rejected under 35 U.S.C. § 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as being unpatentable over United States Patent No. 5,250,101 (**Hidaka et al**). This rejection is respectfully traversed in light of the following remarks.

Hidaka et al disclose a method preparing metal or metal hydroxide powder by means of the thermal decomposition of an organic acid metal in the presence of palladium metal. More particularly, Hidaka et al disclose a process for preparing metal or metal hydroxide powder that includes: heating an organic acid metal (e.g., cobalt formate) in the presence of palladium at a temperature elevation rate of 0.5°C to 20°C / minute; and then thermally decomposing the organic acid metal salt in the presence of palladium at a temperature of less than or equal to 400°C. See the abstract; column 1, lines 5-14 and 58-68; and column 6, lines 20-50 of Hidaka et al.

Hidaka et al disclose that the presence of palladium is necessary in their process to allow for thermal decomposition of the organic acid metal at a lower temperature. See the abstract, and column 3, line 66 through column 4, line 2 of Hidaka et al.

At page 3 of the Office Action of 15 April 2005, it is argued that Hidaka et al in Example 2 at column 6, disclose reacting basic cobalt carbonate "with an acid anion which is therefore basic." Applicants disagree, and respectfully submit that the Examiner's position is incorrect. Hidaka et al disclose forming a mixture of methanol, cobalt carbonate and palladium acetate, to which a formic acid solution is added to form a combination of cobalt formate and palladium that is then thermally decomposed to form cobalt powder. See Example 2, at column 2, lines 20-50 of Hidaka et al. A formic acid solution is not and does not represent an aqueous alkaline liquor.

Hidaka et al provide no disclosure, teaching suggestion with regard to using an aqueous alkaline liquor and/or ammonia in their process. Hidaka et al do not disclose, teach or suggest forming an agglomerated cobalt(II) hydroxide by reacting agglomerated cobalt(II) carbonate with an aqueous alkaline liquor and/or ammonia.

In light of the preceding remarks, Applicants' claims are deemed to be unanticipated by, and unobvious and patentable over Hidaka et al. Reconsideration and withdrawal of the present rejection is respectfully requested.

Claims 16-20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over SU 548,570 A (**SU '570**). This rejection is respectfully traversed with regard to the following remarks.

SU '570 discloses the preparation of cobalt protoxide hydrate by reacting cobalt carbonate with aqueous sodium hydroxide. See the English language Derwent abstract (Derwent Acc No. 1977-86019Y) of SU '570, that was previously provided to The Office in an Information Disclosure Statement filed concurrently with the patent application.

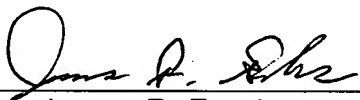
A "protoxide" is defined as "[t]hat one of a series of oxides having the lowest proportion of oxygen (exclusive of suboxides)." See WEBSTER'S NEW INTERNATIONAL DICTIONARY OF THE ENGLISH LANGUAGE 1993 (2<sup>nd</sup> ed. 1954), included in the appendix herewith. See also [http://encarta.msn.com/dictionary /protoxide.html](http://encarta.msn.com/dictionary/protoxide.html), also included in the appendix herewith.

As such, SU '570 discloses the formation of a cobalt oxide having water associated therewith. SU '570 does not disclose, teach or suggest the formation of agglomerated cobalt(II) hydroxide by reacting cobalt(II) carbonate agglomerates with aqueous alkaline liquors and/or ammonia.

In light of the preceding remarks, Applicants' claims are deemed to be unobvious and patentable over SU '570. Reconsideration and withdrawal of the present rejection is respectfully requested.

In light of the amendments herein and the preceding remarks, Applicants' presently pending claims are deemed to meet all the requirements of 35 U.S.C. § 112, and to define an invention that is unanticipated, unobvious and hence, patentable. Reconsideration of the rejections and allowance of all of the presently pending claims is respectfully requested.

Respectfully submitted,

By   
James R. Franks  
Agent for Applicants  
Reg. No. 42,552

Bayer MaterialScience LLC  
100 Bayer Road  
Pittsburgh, Pennsylvania 15205-9741  
(412) 777-3808  
FACSIMILE PHONE NUMBER:  
(412) 777-3902  
f:\shared\kpl\jrf110.ame  
Mo-5980-D



### **APPENDIX**

Copies of:

WEBSTER'S NEW INTERNATIONAL DICTIONARY OF THE ENGLISH LANGUAGE 1993

(2<sup>nd</sup> ed. 1954); and

[http://encarta.msn.com/dictionary /protoxide.html](http://encarta.msn.com/dictionary/protoxide.html)



India Paper

WEBSTER'S  
NEW INTERNATIONAL  
DICTIONARY  
OF THE  
ENGLISH LANGUAGE

Second Edition

UNABRIDGED

UTILIZING ALL THE EXPERIENCE AND RESOURCES OF MORE THAN  
ONE HUNDRED YEARS OF MERRIAM-WEBSTER DICTIONARIES

*A Merriam-Webster*  
REG. U. S. PAT. OFF.

WILLIAM ALLAN NEILSON, Ph.D., LL.D., L.H.D., Litt.D.  
*Editor in Chief*

THOMAS A. KNOTT, Ph.D.  
*General Editor*

PAUL W. CARHART  
*Managing Editor*



G. & C. MERRIAM COMPANY, PUBLISHERS  
SPRINGFIELD, MASS., U.S.A.

BEST AVAILABLE COPY

COPYRIGHT, 1954  
BY  
G. & C. MERRIAM CO.

COPYRIGHT UNDER INTERNATIONAL COPYRIGHT UNION  
ALL RIGHTS RESERVED UNDER INTERNATIONAL AMERICAN CONVENTION (1910)  
BY G. & C. MERRIAM CO.

PREVIOUS EDITIONS  
COPYRIGHT, 1909, 1913, 1923, 1924, 1926, 1927, 1930, 1934, 1950, 1953  
BY G. & C. MERRIAM CO.

AND  
NEW WORDS (NOW ADDENDA) SECTION, COPYRIGHT, 1939, 1945, 1950  
BY G. & C. MERRIAM CO.

PHILIPPINES COPYRIGHT, 1954, BY G. & C. MERRIAM CO.

PREVIOUS EDITIONS, PHILIPPINES COPYRIGHT, 1950, 1953  
BY G. & C. MERRIAM CO.  
PREVIOUS EDITION COPYRIGHT, 1925, IN PHILIPPINE ISLANDS  
BY G. & C. MERRIAM CO.

*All rights reserved*

MADE IN THE U.S.A.

H. O. HOUGHTON AND COMPANY, ELECTROTYPERS, PRINTERS, AND BINDERS  
THE RIVERSIDE PRESS, CAMBRIDGE, MASS., U.S.A.

BEST AVAILABLE COPY



[MSN Home](#) [My MSN](#) [Hotmail](#) [Shopping](#) [Money](#) [People & Chat](#)
**Sign In**Web Search: 

Encarta®

> > [Subscrib](#)
[Home](#) | [Encyclopedia](#) | **[Dictionary](#)** | [Atlas](#) | [Homework](#) | [College](#) | [Grad](#) | [Online Degrees](#) | [Career Training](#) | **[Upgrade to Enc](#)**
> > [Click here to search all of MSN Encarta](#)**Reference** | **Enc**

## Dictionary

Find

in

[Click here to search all of MSN Encarta](#)**Dictionary**   **Thesaurus**   **Translations \***

### protoxide

Protosemitic

protostar

protostele

protostome

prototherian

prototroph

prototrophic

prototype

▶ **protoxide**

protoxylem

protozoan

protozoology

protozoon

protract

protracted

protractile

protraction



**pro·tox·ide** [ prō tók sîd ] (*plural*  
pro·tox·ides)

noun

**oxide with lowest proportion of oxygen:** an oxide of an element that has the lowest proportion of oxygen of all the oxides of that element

[Quizzes](#)[Columns](#)[Top 10 Lists](#)[Newsletter](#)[On This Day](#)[Multimedia](#)[E](#)[M](#)[V](#)

Advertisement



Acc

**Problem Description:****Problem Cause:****Possible Solution:****Message ID****Upgrade to Encarta Pi**

Spend less time searching and mor

[Click for details](#)

### Our Partners

- Amazon: Buy books
- ClassesUSA.com: Compare onlin
- CollegeBound Network: ReadySe
- hq|education: Career education
- Kaplan Test Prep and Admission:
- The Princeton Review
- Sylvan Learning Center

### Also on Encarta

- Finish that degree: Nursing, bac MBA, and more
- You're smart, right? Help us mal better
- History of the Crusades

[Print Preview](#)[See pronunciation key](#)

Search for  
"protoxide" in all of  
MSN Encarta

Download the MSN  
Encarta Right-Click  
Dictionary



Encarta® World English Dictionary [North American Edition] © & (P)2005  
Microsoft Corporation. All rights reserved. Developed for Microsoft by  
Bloomsbury Publishing Plc.

#### More Links from Our Advertisers

[SAT Prep](#)[Distance Learning](#)[Education Online](#)[Tutoring](#)[Online MBA](#)[Textbook](#)

#### Also on MSN

- Alien Planet on Discovery Chann
- Tired of your job? Train to be a c  
designer, Web master ...
- Travel Central: Ed Viesturs' ultin

#### MSN Shopping



**Arrow Striped Poplin Shirt -**  
**\$32.00 Sale \$21.9**  
Kohl's

[More Men's Casual Button-D](#)